

REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on February 6, 2008, the Examiner rejected claims 1-16 and 18-23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,295,064 to Malec (hereinafter "Malec") in view of U.S. Patent No. 5,264,822 to Vogelmann (hereinafter "Vogelmann") in further view of U.S. Patent No. 5,640,002 to Ruppert et al. (hereinafter "Ruppert").

Rejections under 35 U.S.C. § 103(a):

In the Office action, the Examiner rejected all claims citing at least the combination of Malec, Vogelmann and Ruppert. The standard for a Section 103 rejection is set forth in M.P.E.P 706.02(j), which provides:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. [*In re Vaack*, 947 F.2d 488 (Fed. Cir. 1991).]

Applicants respectfully submit that the references cited by the Examiner do not teach or suggest all the limitations claimed in the claim set provided herein, and that one of skill in the art would not reasonably expect success in combining the references in the manner provided.

Independent claim 1 provides for an electronic shopping cart display system comprising: a display unit having a display screen attached to a shopping cart for displaying information; one or more transceiver units for sending information to the display unit, said transceiver units located proximate to promoted items, wherein the information includes a visual message containing product-specific promotions; a transmitter in direct electronic communication with

the transceiver unit, for sending information to the transceiver; an audible alert component on the display unit for signaling receipt of information from the transceiver unit; and a computer for operating the interaction between the display unit, the transceiver units, and the transmitter in direct electronic communication with the transmitter unit and in indirect electronic communication with the transceiver unit through the transmitter. These combinations of elements are not disclosed in the cited references.

The transceivers claimed serve a function of transmitting a visual message containing product-specific promotions and advertisements for display on the display unit. This information is complex, and is subject to change. The claimed transceivers are designed to receive additional information to update the product-specific information to be transmitted, and are thus in communication with the controlling computer and transmitter. The combination of Malec's trigger transmitters with Vogelmann's audio broadcast system fail to achieve the same result as the claimed transceivers, because they fail to allow for transmitting complex visual product specific promotions, advertisements and/or other product specific information from the control computer to the transceiver units, and then from the transceiver units to the display units located at individual carts. Rather, replacing the signal transmission of Malec with the audio broadcast of Vogelmann produces a simple audio broadcast system.

The "Trigger Transmitters" taught in Malec transmit simple positional information which is used to trigger promotional information stored on the cart-mounted electronics. Malec, Column 8, Lines 52-56. By explicitly storing all promotional and/or other product-related information on the cart-mounted electronics, Malec teaches away from the transmission of promotional product specific from the transceiver units. Malec's trigger transmitters do not transmit any product-specific information for the user, but merely transmit location information;

the display then searches in its memory for messages related to that location information for display. Col 8 lines 41-60. Thus, the trigger transmitters only serve as location beacons serving as signposts to tell the shoppers "You are here." Col 2 lines 29-36.

Vogelman discloses a simple system for broadcasting audio messages to shopping carts moving through a plurality of pre-defined spatial zones in a store. Vogelmann, Abstract. Vogelmann selectively places transmitter's in particular geographic areas in a store. Each transmitter includes a single audio message and a transmitting means for sending a carrier signal over a predefined spatial zone. As a cart enters a zone the recorded message is broadcast to the cart while in the transmission zone. Vogelmann, Column 3, lines 21-50. By storing only one prerecorded audio message, and by broadcasting the same non-interactive message to each cart that enters a zone Vogelmann fails to teach the limitations found in the presently amended claim set.

Further, Malec in view of Vogelmann does not teach "a computer for operating the interaction between the plurality of display units, the plurality of transceiver units, and the transmitter." Malec discloses a computer that sends a simple transmitter to the shopping cart displays, but that computer does not interact with the transmitters. Likewise, Vogelmann disclose an onboard speaker capable of vocalizing the audio signal being broadcast in the region of the cart, not a computer that interacts with the transmitters.

Replacing the transmitter of Malec with the transceiver of Vogelmann as suggested by the Examiner would not arrive at the claimed invention, but would merely replace a device only capable of transmitting with one capable of transmitting and receiving an audio feed. With that teaching replaced, the combination does not teach complex communication between the

individual carts and the centrally-based store transmitter/transceiver, including the transmission of visual messages containing product specific information.

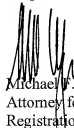
For at least these reasons, Applicant respectfully submits that claim 1 is not made obvious by the cited combination of references and therefore respectfully request removal of the rejection. Claims 2-23 depend from claim 1 and are allowable for at least the same reasons. Applicants therefore respectfully request removal of all remaining rejections.

CONCLUSION

Applicant submits that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicants request favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 6 day of May, 2008.

Respectfully submitted,



Michael F. Krieger
Attorney for Applicants
Registration No.: 35,232

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 321-4814
Facsimile: (801) 321-4893